



recreated from the high-level descriptions in the transcript.<sup>2</sup> When the defense requested copies of these exhibits, the government refused to provide them, explaining that it would not produce copies of exhibits used during the trial but not admitted into evidence—namely, exhibits 1, 2A, 6A, 8, and 9.

The government's position is indefensible. These exhibits are not the exclusive property of the U.S. Attorney's Office. They are part of the public record, regardless of whether they were admitted in evidence. The government should not be permitted needlessly to frustrate the defense's ability to prepare for the second trial by withholding exhibits it displayed publicly in the courtroom and used with witnesses, particularly where, as here, the request is for a limited number of easily identified exhibits.

Respectfully submitted this 4th day of April, 2014.

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<sup>2</sup> Exhibits 2A, 6A, and 9 appear to be larger versions of other exhibits in the defense's possession. The defense offered that, in lieu of providing copies of those exhibits, the government simply confirm that those exhibits contain no marks or other alterations not present on the other exhibits. The government declined to do so.

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